

**PRESENTATION OF THE
BOARD OF ELECTRICIANS
AND PLUMBERS**

**TO THE HOUSE COMMITTEE ON CONSUMER
PROTECTION AND COMMERCE**

**TWENTY-SIXTH LEGISLATURE
Regular Session of 2012**

**Wednesday, February 22, 2012
2:00 p.m.**

**TESTIMONY ON HOUSE CONCURRENT RESOLUTION NO. 45, REQUESTING THE
AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF AIR
CONDITIONING PIPEFITTERS, FIRE SPRINKLER TECHNICIANS, AND SOLAR
TECHNICIANS.**

**TO THE HONORABLE ROBERT N. HERKES, CHAIR,
AND MEMBERS OF THE COMMITTEE:**

My name is Charlene Tamanaha, Executive Officer of the Board of Electricians and Plumbers ("Board"). The Board appreciates the opportunity to offer comments on H.C.R. No. 45.

The concurrent resolution requests that the Auditor perform a sunrise review pursuant to section 26H-6, Hawaii Revised Statutes ("HRS"), of the regulation of air conditioning pipefitters, fire sprinkler technicians, and solar technicians as proposed under House Bill No. 2748, introduced during the Regular Session of 2012. The Auditor's review would set forth the probable effects of the proposed regulatory measure, assess whether its enactment is consistent with the purposes of section 26H-2, HRS, and assess alternate forms of regulation. While the Board, at its February 14, 2012 meeting, voted to support the intent to license these areas under Chapter 448E, HRS, the Board also voted to support H.C.R. No. 45. The Board agreed that a sunrise review completed by the Auditor will provide clear guidance as to whether

the regulation of air conditioning pipefitters, fire sprinkler technicians, and solar technicians fall within the regulatory scheme of Chapter 448E, HRS, and the Board's purview, or whether the enactment of new chapters is required.

Thank you for the opportunity to offer comments on H.C.R. NO. 45.

Testimony for HCR45 on 2/22/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, February 21, 2012 9:09 AM
To: CPCtestimony
Cc: shannon@gcahawaii.org
Attachments: HCR 45 Sunrise Review of ~1.pdf (146 KB)

Testimony for CPC 2/22/2012 2:00:00 PM HCR45

Conference room: 325
Testifier position: Oppose
Testifier will be present: Yes
Submitted by: Shannon Alivado
Organization: General Contractors Association of Hawaii
E-mail: shannon@gcahawaii.org
Submitted on: 2/21/2012

Comments:

Aloha Committee Clerk,

Please accept GCA's testimony in opposition.

Thank you,

Shannon Alivado
GCA

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Honolulu, HI 96819
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Website: www.gcahawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol Website

February 22, 2012

TO: HONORABLE REPRESENTATIVES ROBERT HERKES, CHAIR, RYAN YAMANE, VICE CHAIR AND MEMBERS OF THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

SUBJECT: **OPPOSITION TO HOUSE CONCURRENT RESOLUTION 45,**
REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF
THE REGULATION OF AIR CONDITIONING PIPEFITTERS, FIRE
SPRINKLER TECHNICIANS, AND SOLAR TECHNICIANS.

HEARING

DATE: Wednesday, February 22, 2012
TIME: 2:00 PM
PLACE: Conference Room 325

Dear Chair Herkes, Vice Chair Yamane and Members:

The General Contractors Association (GCA) is an organization comprised of over six hundred (600) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is celebrating its 80th anniversary; GCA remains the largest construction association in the State of Hawaii and the voice in all matters related to the construction industry. GCA is submitting testimony **in opposition** to House Concurrent Resolution 45 (HCR 45) which is requesting that the Auditor conduct a sunrise review of the regulation of air conditioning pipefitters, fire sprinkler technicians, and solar technicians because it is unnecessary.

HCR 45 proposes that the Auditor conduct a sunrise review of the regulation of air conditioning pipefitters, fire sprinkler technicians, and solar technicians as proposed under House Bill No. _____, including an assessment of alternative forms of regulation, pursuant to section 26H-6, Hawaii Revised Statutes.

This session H.B. 2748 was introduced and proposed to amend Section 448E-5 of the Hawaii Revised Statutes (HRS) by proposing to regulate the work of air conditioning pipefitters, fire sprinkler technicians and solar technicians by requiring that they be licensed by the Board of Electricians and Plumbers.

This concurrent resolution purports to address the lack of licensing for those in the air conditioning, fire sprinkler and solar businesses. However, an audit to address licensing of this scope of work is unnecessary because individuals have performed these jobs for many, many years have been doing this work without any major complaints from the public. Some of the work proposed to be regulated under this concurrent resolution is currently being performed by workers who are not licensed as electrician or plumbers and work for specialty contractors, not classified as plumbing or electrical contractors. These workers do not pose a danger to public

safety. Pursuant to Section 26H-2, Hawaii Revised Statutes, the legislature adopted a policy and determined that the regulation and licensing of professions and vocations are necessary **“only where reasonably necessary to protect the health, safety, or welfare of consumers of the services; the purpose of regulation shall be the protection of public welfare and not that of the regulated profession or vocation . . .”** *Emphasis added.*

Therefore, GCA believes that because these workers in these classifications perform work that do not pose major health and safety concerns, unlike electricians and plumbers regulated under Chapter 448, HRS, they do not have to be further regulated.

The GCA believes that this concurrent resolution is unnecessary and would result in over regulation of the construction trades and an increase in cost to the public for these types of services in subject industries.

The GCA is strongly opposed to the passage of HCR 45 and recommends that this measure be held.

Thank you for the opportunity to present our views on this bill.

Testimony of Glenn Ida
Representing,
The Plumbers and Fitters Union, Local 675
1109 Bethel St., Lower Level
Honolulu, Hi. 96813

Provide Comments on HCR 45

Before the House:
Committee on Consumer Protection and
Committee on Judiciary
Wednesday, Feb. 22, 2012
2:00 PM, Conference Room 325

Aloha Chair Herkes, Chair Keith-Agaran, Vice-Chair Yamane, Vice-Chair Rhoads and
Members of the Committees,

My name is Glenn Ida; I represent the 1300 plus active members and about 600
retirees of the Plumbers and Fitters Union, Local 675.

The Plumbers Union Local 675 wishes to extend its appreciation to the Honorable
Calvin Say, Speaker of the House, for his introduction of House Bill (HB) No. 2748,
entitled, Relating to Professions and Occupations, and House Concurrent Resolution
(HCR) No. 45, entitled, Requesting the Auditor to Conduct a Sunrise Review of the
Regulation of Air Conditioning Pipefitters, Fire Sprinkler Technicians, and Solar
Technicians.

While our union is supportive of both measures, it is our preference that the Hawaii
State Legislature advance and adopt HB 2748 in lieu of HCR 45. We take this
position given that the occupational fields defined through HB 2748 represent
trades that are in great demand with minimal regulatory oversight. As these
industries continue to expand, we need to ensure that our consumers of Hawai'i are
provided with quality workmanship from trained, qualified, and competent trades
persons to protect the health and safety of the public.

On May 21, 2011, The Star-Advertiser article cited **Water-boiling Call Issued**.
"The Kauai County Department of Water is advising people in portions of Kilauea to
boil their water for two minutes or cooking with it to eliminate microbial
contamination.

Affected areas include Kuhio Hwy from Wailapa Road to Kupuna Road; Huli and
Waikalua roads; and portions of Koolau Road.

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Officials said a preliminary sampling taken Thursday showed that the Department of Water system in Kilauea was compromised due to a **cross -connection with irrigation water on private property**. Water crews flushed and sampled the water system Thursday afternoon and into the night. Subsequent test results indicate the suspect water was successfully removed.

Tankers with clean water were placed on Kuhio Hwy. at Wailapa and Kupuna roads.”

It should be noted that the State Board of Electricians and Plumbers has reviewed and endorsed HB2748 and we are committed towards working with the House and Senate in further refining this measure as it advances through this session. Additionally, the standards that are relevant to the occupational fields represented in HB2748 are not novel, given that uniform codes have already been published. Therefore, the one-year sunrise provision as detailed in HCR 45, in our opinion, could be more efficiently applied towards the drafting of administrative rules to effectuate the provisions detailed in HB 2748 should it be enacted into law by this honorable body.

In closing, in the event that HB 2748 does not advance this session, we do request your committee's favorable consideration of HCR 45 to preserve the necessity of regulating plumber air conditioning and refrigeration pipefitter work, plumber fire sprinkler pipefitter work and plumber solar-thermal technician work in the 2013 session of the Hawaii State Legislature.

Thank you for this opportunity to provide **comments on HCR45**.

Glenn Ida
808-295-1280